

Employment Law Exchange

Case Studies

**CASE STUDIES ON SICKNESS AND DISABILITY**

1. MagnusMoney is an insurance company, based in London. It employs 2,700 people in the UK. Kath has worked for them for seven years as an Advisor in the Life Team. Following some increasingly erratic behaviour she was diagnosed as bi-polar and is on medication. However, she is often late for work (Though she says she makes up the time later) and sometimes misses Team meetings. Audrey, the HR Advisor has spoken to her about these matters. Kath replies ’I know what you are up to-you want me out of here-well I need this job, so forget it’. A week later, a complaint arrives from a customer reporting ‘Some-one called Kath, laughed and jeered at me when I asked about the effect of a health problem on my current insurance policy. I tried to reason with her but she then became offensive’. When Kath is called to an investigation meeting she says;’ This is another put up job and anyway I have no memory of the call’. The company decides that Kath will be dismissed, especially as during the investigation colleagues of Kath reported that ‘She is impossible to work with-whatever she’s on is not working. Is she really taking her medication’. Kath says ‘Yes’. MagnusMoney decides that Kath is too much of risk and terminates her contract. Is this sensible? Would your response be different if the employer was unaware of Kath’s bi-polar problem?
2. Tom works as a credit controller for a small engineering company that employs 50 people in Luton. He had been working long hours when he was off sick with anxiety for around three months. He returned to work but when he was subject to abuse by a company debtor he went off sick again. He asked for holiday pay, ’So I can afford a break to get better’ but Mary the CEO refuses saying, ‘Holidays have been rostered for this year. This is a small firm and you can’t just go away when you feel like it’. A few days later Mary writes to Tom and says, ’I have been thinking about your position and I think it better that our ways part. I see from your contract you are entitled to two months’ notice. I will make an offer of four months’ notice pay but I need to end the contract quickly. Your termination date is in one week’s time if you agree to this offer. Tom does not and states he intends to challenge his treatment.
3. William suffers from mobility problems, though his role as marketing manager at Funky Clothing ltd is OK for him as some work can be done from home and the company offices are accessible for him. The medical prognosis is for increasing problems and he now uses a wheel chair and suffers from fatique more frequently. When in the offices he uses a small medical room to rest in. Last week he went to the room, which was occupied by Dawn who is 7 months pregnant and who relaxes, following medical advice, in her underclothes. William is annoyed, saying, ’I must have peace and quiet to rest or I will not be able to work effectively’. Bill, his manager says,’I am sure we can come to a compromise regarding the room use’. William says, ’This is not good enough’. I am claiming for discrimination and constructive dismissal.

**Further notes:**